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Attorneys for Creditor,
SHAMIREH KASPARI

8 UNITED STATES BANKRUPTCY COURT

9 NORTHERN DISTRICT OF CALIFORNIA-SAN JOSE DIVISION

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11 In re
12 MASHHADI M. BEHDAD
13 and SABINA S. ZAEIMIAN,
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Debtors.

Case No. 09-60358-SLJ

Chapter 13

**OPPOSITION TO DEBTORS'
OBJECTION TO CLAIM NO. 19 AND
REQUEST FOR HEARING**

SHAMIREH KASPARI, Creditor herein, hereby opposes the Debtors' Objection to Claim No. 19 as follows:

1. The Debtors are indebted to the Creditor as set forth in Claim No. 19.
2. On or about September 3, 2007, Creditor and Debtors entered into a written contract for the sale by Creditor and purchase by Debtors of a coin-operated laundry business known as "Scotty's Cleaning" in Sunnyvale, California. A true and correct copy the contract is attached to Claim No. 19.

3. The contract price was \$340,000. Creditor provided partial seller-financing by carrying a \$50,000 loan, at eight percent interest, secured by the assets of the business.

4. Escrow closed on or about October 18, 2007.

5. Creditor's security interest was perfected by the filing of a UCC Financing Statement, Document No. 15126130003, Filing No. 07-7139640087, filed on 12/10/2007 with the

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Behdad/Zaeimian OPPOSITION TO DEBTORS' OBJECTION TO CLAIM NO. 19 AND REQUEST FOR HEARING

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1 California Secretary of State. A true and correct copy the Financing Statement is attached to Claim
2 No. 19.

3 6. The Financing Statement lists debtors as (1) "Scotty's Cleaning", a "Sole Prop",
4 and (2) "MBZ Corporation". Creditor is informed and believes that Scotty's Cleaning was a sole
5 proprietorship of the Debtors when the Financing Statement was filed. Therefore, Creditor's
6 security interest was perfected against Debtors.

7 7. Debtors have failed and refused to pay Creditor a principal balance of \$50,000 plus
8 interest.

9 8. Debtors filed the above-captioned case on or about November 25, 2009. Debtors
10 did not list Creditor as a creditor in their bankruptcy petition or schedules, nor did they give
11 Creditor notice of their bankruptcy proceedings.

12 9. Debtors did not inform Creditor of their bankruptcy until August 24, 2011, during a
13 conversation between Creditor's State Case counsel, Victor Simon, and Debtors' State Case
14 counsel, Christopher K. Jafari.

15 10. It would be inequitable to proscribe Creditor's right to file a proof of claim after
16 the bar date when Debtors' omission of the Creditor on their filings and creditor matrix resulted in
17 the Creditor not receiving notice of the deadline to file proofs of claims.

18 11. Additionally, Debtors' failure to list Creditor in their petition and schedules in time
19 to permit Creditor to file a proof of claim renders the debt non-dischargeable under 11 U.S.C.
20 §1328(a)(2) pursuant to 11 U.S.C. §523(a)(3)

21 WHEREFORE, Creditor prays that the within matter be set for hearing following sufficient
22 time to conduct discovery, that the Claim be allowed, and for such other and further relief as the
23 Court deems just and proper.

24 | Dated: September 20, 2011

LAW OFFICES OF MICHAEL J. BOIJHANI

/s/ Michel J. Rouhani

By:

MICHEL J. ROUHANI
Attorneys for Creditor
SHAMIREH KASPARI